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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,869	04/15/2004	Richard C. G. Dark	0338-15UA	7074
21704	7590 08/09/2005	EXAMINER		
LAW OFFICES OF ERIC KARICH 2807 ST. MARK DR. MANSFIELD, TX 76063			NGO, LIEN M	
			ART UNIT	PAPER NUMBER
			3727	
			DATE MAILED: 08/09/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Town

Office Action Summary LIEN TM NGO		Application No.	Applicant(s)			
LIENTM NGO 3727 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CFR 1.138(a). In no event, however, may a reply be timely filed If the period for reply specified above is lies bran thiny (70) days, a reply within the statutory relievance of the provision of the statutory period will apply and will apple so (8) (MONTHS from the mailing date of this communication of reply is specified above, the maximum statutory period will apple so (8) (MONTHS from the mailing date of this communication of reply is specified above, the maximum statutory period will apple so (8) (MONTHS from the mailing date of this communication, 18 of the statutory period will apple so (8) (MONTHS from the mailing date of this communication, even if almay fixed, may reduce any control patent term separations. Set 37 CFR 1.754(b). Status 1) Responsive to communication(s) filed on 4/15/04. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-12 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-12 is/are rejected. 7) Claim(s) is/are a closed to by the Examiner. 10) The drawing(s) filed on is/are: a) sceepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) some *c) None of: 1. Certified copies of the priority document		10/824,869	DARK, RICHARD C. G.			
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be limitly filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified doors it less than they (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. Failure to reply within the set or extended period for reply with the statutory minimum of thirty (30) days will be considered timely. Failure to reply within the set or extended period for reply with by statute, cause the application to become ABANDONED (38 U.S.C. § 133). Any reply received by the Office late than three moments after the mailing date of this communication, even if smely filed, may reduce any carried patient term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 4/15/04. 2a) This action is FINAL. 2b) This action is FINAL. 2b) This action is FINAL. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-12 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) Application Papers 9) Application Papers 9) Application Papers 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority doc		ears on the cover sheet with the c	orrespondence address			
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4/15/04. Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Cher:	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4/15/04.	Paper No(s)/Mail Da 5) Notice of Informal P	ite			

Application/Control Number: 10/824,869

Art Unit: 3727

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-3, 5-9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (6,488,170). Johnson discloses, in figs. 2A and 5, a container comprising a cup 20 having a lip 15, a spill-resistant cap 30 having a C-lip engaging portion 34, a plurality of spaced apart opening 45, a plurality of baffles 40 being formed over the openings.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Berger et al. (6,640,992) or Lin (6,659,302).

Berger or Lin teaches a lip-engaging portion of a drinking cup lid being a thread portion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the lip engaging portion being a thread portion, as

Page 3

taught by Berger et al. or Lin, in order to the lid threadable engage with the container for closing the container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NATHAN NEWHOUSE can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO Primary Examiner Art Unit 3727

Za/hu

August 7, 2005